

## TOMORROW'S FORECAST

- \* The House will reconvene for its 21st Legislative Day on Friday, February 17, at 9:00 AM.
- \* 4 bills are expected to be debated on the floor.



## GEORGIA HOUSE OF REPRESENTATIVES

# DAILY REPORT

Thursday, February 16, 2012

20th Legislative Day

## TODAY ON THE FLOOR

### RULES CALENDAR

#### **HB 728 - Property; covenants; clarify provisions**

- BILL SUMMARY: HB 728 provides that any covenant restricting lands to certain uses which was created prior to zoning laws being adopted by a county or municipality shall continue to be effective until the expiration of such covenant in accordance with its terms.
- **Authored By:** Rep. Rick Jasperse of the 12th
- **House Committee:** Governmental Affairs
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

#### **HB 744 - Uniform Partition of Heirs Property Act; enact**

- BILL SUMMARY: Effective January 1, 2013, HB 744 enacts the Uniform Partition of Heirs Property Act. If an heir owns 'heirs property' as it is defined by the Act, HB 744 provides the procedure by which the property may be divided.
- **Authored By:** Rep. Edward Lindsey of the 54th
- **House Committee:** Judiciary
- **Rule:** Modified-Open
- **Yeas:** 166; **Nays:** 0

#### **HB 800 - Assistant adjutants general; certain qualifications; change**

- BILL SUMMARY: HB 800 amends certain qualifications under OCGA 38-2-152 to allow Army and Air Force officers with the rank of lieutenant colonel or higher to be appointed assistant adjutant general of the Georgia National Guard by the Governor. This bill also removes the requirement that these officers serve continuously for five or more years in the Army or Air National Guard of Georgia prior to their appointment.
- **Authored By:** Rep. Matt Hatchett of the 143rd
- **House Committee:** Defense & Veterans Affairs
- **Rule:** Modified-Structured
- **Yeas:** 92; **Nays:** 61

#### **HB 835 - Vehicles; 5 percent variance of weight limitations for towing disabled commercial vehicles; provide**

- BILL SUMMARY: HB 835 provides for an "Annual Commercial Wrecker Emergency Tow Permit" to be issued by the Commissioner of the Department of Transportation for vehicles towing disabled, damaged, or wrecked commercial vehicles even though such wrecker or its load exceeds the maximum limits specified in Code Section 32-6-28. The bill prohibits the authorization of the operation of a vehicle whose single axle weight exceeds 21,000 pounds, whose load on any tandem axle exceeds 40,000 pounds, or whose total load length exceeds 125 feet. The fee for this permit is \$500.00.
- **Authored By:** Rep. Jay Roberts of the 154th
- **House Committee:** Transportation
- **Rule:** Structured
- **Yeas:** 163; **Nays:** 0

## **HR 1325 - Congress; amend Communication Act of 1934; permit use of cellular jammers; urge**

- BILL SUMMARY: HR 1325 urges Congress to amend the Communications Act of 1934 to allow the use of cell phone "jamming" technology in Georgia prisons. This is currently prohibited. This resolution addresses the growing problem of cell phones in the prison system, which is being used for gang activity, to retaliate against guards, and for other nefarious purposes. In 2011 the Department of Corrections confiscated 8,500 cell phones in Georgia prisons, threatening the safety of both staff and inmates.
- **Authored By:** Rep. Mike Cheokas of the 134th
- **House Committee:** State Institutions & Property
- **Rule:** Modified-Open
- **Yeas:** 166; **Nays:** 0

## **SB 183 - Education; school health nurse programs; revise provisions**

- BILL SUMMARY: This bill amends §20-2-771.2 to allow local boards of education to consult with off-campus health care professionals, using appropriate protocols and contracts, for the school nurse program. This includes telemedicine.
- **Authored By:** Sen. Greg Goggans of the 7th
- **House Committee:** Health & Human Services
- **Rule:** Modified-Open
- **Amendments(s):** N/A
- **Yeas:** 157; **Nays:** 1

## **LOCAL CALENDAR**

### **HB 840 - Emanuel County; Board of Commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Emanuel County Board of Commissioners.
- **Authored By:** Rep. Butch Parrish of the 156th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

### **HB 908 - Commerce, City of; Independent School Districts; change description of districts**

- BILL SUMMARY: A Bill to reapportion the City of Commerce Board of Education.
- **Authored By:** Rep. Tommy Benton of the 31st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

### **HB 921 - Murray County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Murray County Board of Education.
- **Authored By:** Rep. Tom Dickson of the 6th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

### **HB 925 - McDuffie County; Board of Commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the McDuffie County Board of Commissioners.
- **Authored By:** Rep. Sistie Hudson of the 124th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

### **HB 926 - McDuffie County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the McDuffie County Board of Education.
- **Authored By:** Rep. Sistie Hudson of the 124th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

**HB 927 - Thomson, City of; city council; change description of election districts**

- BILL SUMMARY: A Bill to reapportion the City of Thomson City Council.
- **Authored By:** Rep. Sistie Hudson of the 124th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

**SB 317 - Board of Education of Baldwin County; change the description of the education districts**

- BILL SUMMARY: A Bill to reapportion the Baldwin County Board of Education.
- **Authored By:** Sen. Johnny Grant of the 25th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

**SB 318 - Board of Commissioners of Baldwin County; change the description of commissioner districts**

- BILL SUMMARY: A Bill to reapportion the Baldwin County Board of Commissioners.
- **Authored By:** Sen. Johnny Grant of the 25th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 149; **Nays:** 0

*\* The House will reconvene Friday, February 17, at 09:00 AM, for its 21st Legislative Day.*

---

## **COMMITTEE ON RULES**

**The Committee on Rules has fixed the calendar for the 21st Legislative Day, Friday, February 17, and bills may be called at the pleasure of the Speaker.**

## **NEXT ON THE FLOOR**

**HB 407 - Payment of taxes; population bracket under 2010 census; update**

- BILL SUMMARY: This legislation updates two sets of property brackets in 48-5-24 in subsections (b) and (e). This is to ensure that the property tax penalty for late payment established in subsection (b) of the code continues to only affect DeKalb County. Additionally, the penalty for late payment of property taxes located in subsection (e) of the code will continue to only affect Cobb County.
- **Authored By:** Rep. Sam Teasley of the 38th
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/7/2012
- **Rule:** Structured

**HB 636 - Brookhaven, City of; provide a charter**

- BILL SUMMARY: The House Committee on Governmental Affairs substitute to HB 636 provides for a public referendum for the incorporation of the city of Ashford. Further, it contains the proposed charter for the city. In the original version, the proposed city was named Brookhaven.
- **Authored By:** Rep. Mike Jacobs of the 80th
- **House Committee:** Governmental Affairs
- **House Committee Passed:** 2/7/2012
- **Rule:** Modified-Structured

**HB 824 - Quality Basic Education Act; calculating equalization grants; revise method**

- BILL SUMMARY: House Bill 824 revises the methodology for calculating equalization grants as well as adds an eligibility requirement for receiving the grant.

SECTION 1: Defines "equivalent millage" for the purpose of being eligible for Equalization. This section also changes the benchmark for Equalization from the 75% percentile to the statewide average (less any outliers based on wealth). Specifically:

- Lines 37-40 – Language is added defining "equivalent millage" as the combination of property tax and sales tax

revenue representing the amount generated by a designated millage rate. This language is applicable to school systems that have a Lost Option Sales Tax (LOST) for maintenance and operations.

- Lines 41-51 – Strikes language that says the guaranteed valuation (the benchmark that is equalized to) is the school system at the 75th percentile. Instead, the new guaranteed valuation will be a modified statewide average of assessed valuation per Weighted FTE (WFTE). Systems will continue to be ranked in wealth/WFTE, but for the purposes of calculating the statewide average, the top 5% and bottom 5% of systems will be removed from the averaging calculation.
- Lines 65-72 – Adds new language that requires any school system that falls below the guaranteed valuation to have a millage of 12 mills or the equivalent in order to be eligible for Equalization. This provision has an effective date of July 1, 2015.
- Lines 85-86 – Removes language related to the benchmark school system (75th percentile).
- Lines 121-126 – Removes language related to the benchmark school system (75th percentile) and replaces it with the new guaranteed valuation (modified state-wide average).
- Lines 159 – 161 – Removes outdated language that only applied to FY 2006.

SECTION 2: All laws or parts of laws in conflict with this Act are repealed.

- **Authored By:** Rep. Mike Dudgeon of the 24th

- **House Committee:** Education

- **House Committee Passed:** 2/2/2012

- **Rule:** Modified-Structured

### **HB 904 - Monroe County Probate Court; future elections for the office of judge shall be nonpartisan; provide**

- **BILL SUMMARY:** A Bill to provide for the nonpartisan election of the Probate Judge of Monroe County.

- **Authored By:** Rep. Robert Dickey of the 136th

- **House Committee:** Intragovernmental Coordination

- **House Committee Passed:** 2/9/2012

- **Rule:** Modified-Open

*\* The Rules Committee will next meet on Friday, February 17, at 8:30 AM, to set the Rules Calendar for the 22nd Legislative Day.*

---

## **COMMITTEE ACTION REPORT**

### **Budget and Fiscal Affairs Oversight**

#### **HB 456 - Georgia Government Accountability Act; enact**

- **BILL SUMMARY:** House Bill 456 creates the 'Georgia Government Accountability Act' to establish a review process of agency efficiency.

The bill creates the Legislative Sunset Advisory Committee (the "Committee") consisting of seven members from each chamber to serve concurrent with the legislative biennium. The Speaker and the President of the Senate appoint the members, to include one of the Governor's floor members from each chamber, and each designates a co-chair. The co-chairs shall be authorized to appoint no more than 2 ex officio members of the committee. The committee, in cooperation with the Governor's office, may employ staff to perform the work of the committee. The Committee's co-chairs are authorized to request assistance from any agency or office, which will comply. Agencies must make available to the committee and its staff any documentation subject to public record for inspection or duplication within 3 days of the request.

The purpose of the Committee is to routinely schedule the review of all state agencies and executive branch subsidiaries that receive funds through a state appropriations Act. The Committee shall establish a schedule for the routine reviews. This article shall not apply to any state entity that does not receive a state appropriation.

If the Committee recommends the abolishment of an agency, it will be terminated one year from when the recommendation is made as long as the responsibilities and obligations, fiduciary or otherwise, are repealed, revised or reassigned by the General Assembly. In the absence of legislative action, the abolished agency will submit its budget request with the committee's recommended actions represented.

Those entities established in the State Constitution shall not be subject to automatic abolishment. The Committee will follow the same review process with the additional step of providing any Constitutional amendments needed to repeal or transfer its obligations. Those agencies which have not met publicly for a year or more may be abolished without further review. The committee shall give public notice of any proposed legislation not later than the first day of December of the year preceding its introduction.

The abolition of a state agency shall not affect any rights, penalties, liabilities or proceedings that were begun before the abolition.

At least six months before a scheduled evaluation, the agency must provide to the Committee a list of: programs and services provided with goals; expenditures; explanation of failed objectives; level of public participation in rule-making; statutory objectives for each program and activity and extent to which objectives have been achieved; assessment of potential duplications across state departments and the extent to which those programs can be eliminated, reorganized, privatized or consolidated with another agency; self-assessment for improvements and processes for attainment; budget needs for meeting objectives; statutory change recommendations; effect on federal funds and requirements if abolished; alternative methods for providing services for greater efficiencies; assessment of the agency and programs and which should be eliminated, reorganized, privatized or consolidated; 5-year hiring patterns; deficiency correction plans related to judicial or audited problems; justification for all committees and boards associated with the agency; a list of activities not called for in Code; any program audits, performance audits or any other reports by the state auditor; summary of all litigation the agency is engaged in; and any other information requested by the Committee. The report must be validated by the agency director before submission.

The Committee has six months to review the report, which may include consultations, testimonials and public hearings with interested parties. The Committee will present its findings to the Speaker, the President of the Senate and the Governor, and base its recommendation for ongoing operations based on: efficiencies, achievement of objectives; effectiveness; need; reductions of duplication; statutory update needs; customer service and involvement; level of satisfied requirements; performance measures; the extent to which the agency is deemed to be a core function of state government per the Constitution; impact of federal intervention or loss of federal funds if agency is abolished, and change to the O.C.G.A. to enable compliance with the agency's mission. The report will recommend action for the elimination, privatization, abolishment, continuation or reorganization of the agency and/or its programs, as well as draft legislation to fulfill those recommendations.

This act shall become effective upon approval by the Governor or upon its becoming law without such approval.

- **Authored By:** Rep. Charlice Byrd of the 20th
- **Committee Action:** Do Pass by Committee Substitute

## **Energy, Utilities & Telecommunications**

### **HB 769 - Consumers' utility counsel division; not necessary to file copies of filings with Public Service Commission; provide**

- **BILL SUMMARY:** This legislation states that until the Consumers' Utility Counsel Division is specifically granted funding in the appropriations act, the division will not be required to file copies of filings with the Public Service Commission.
- **Authored By:** Rep. Harry Geisinger of the 48th
- **Committee Action:** Do Pass

## **Energy, Utilities & Telecommunications**

### **HB 855 - Universal Access Fund; duration and amount of certain distributions made; establish limitations**

- **BILL SUMMARY:** This legislation is known as the Telecommunications Fair Competition and Consumer Protection Act. House bill 855 establishes duration and distribution limitations to the Universal Access Fund for Tier 2 local exchange carriers as follows: the rate of return regulation shall not exceed \$9 million in 2012, \$6 million in 2013, and \$3 million in 2014. Further, all distributions from the fund will cease after 2014.
- **Authored By:** Rep. Mark Hamilton of the 23rd
- **Committee Action:** Do Pass by Committee Substitute

## **Governmental Affairs**

### **HB 776 - Elections; nonpartisan elections for members of consolidated governments considered county elections; provide**

- **BILL SUMMARY:** HB 776 provides that nonpartisan elections for members of consolidated governments shall be considered county elections and not municipal elections.
- **Authored By:** Rep. Barbara Sims of the 119th
- **Committee Action:** Do Pass

## **Governmental Affairs**

### **HB 811 - Budgetary and financial affairs; automatic fee adjustment in certain cases; provide**

- **BILL SUMMARY:** HB 811 provides for automatic fee adjustments in cases where funds are not appropriated for specified purposes when certain fees are imposed for such purposes.
- **Authored By:** Rep. Jay Powell of the 171st
- **Committee Action:** Do Pass by Committee Substitute

## **Governmental Affairs**

### **HB 899 - Primaries and elections; dates of nonpartisan elections; provide**

- BILL SUMMARY: HB 899 is the annual "clean up" bill for the Elections Division of the Secretary of States Office.
- **Authored By:** Rep. Buzz Brockway of the 101st
- **Committee Action:** Do Pass by Committee Substitute

## **Governmental Affairs**

### **HB 949 - Primaries and elections; number of signatures for certain petitions shall be based on the turnout in last presidential election; provide**

- BILL SUMMARY: Like HB 899, HB 949 is an omnibus bill for Georgia's election code. Provisions in this bill represent recommendations from the Georgia Secretary of State's Elections Advisory Council.
- **Authored By:** Rep. Mark Hamilton of the 23rd
- **Committee Action:** Do Pass

## **Human Relations & Aging**

### **HB 857 - Day-care centers; install safety alarms in vehicles used to transport children; permit**

- BILL SUMMARY: House Bill 857 allows a day-care center to install child safety alarms in any vehicle that is used to transport children. The centers that elect to have these child safety alarms are required to get them installed by someone who is certified by the manufacturer, to check that they are working properly each time the vehicle is used for transporting children, and to post an inspection report.
- **Authored By:** Rep. Sandra Scott of the 76th
- **Committee Action:** Tabled

## **Intragovernmental Coordination - Local**

### **HB 693 - Screven County; board of commissioners; provide member elections**

- BILL SUMMARY: A Bill to reapportion the Screven County Board of Commissioners.
- **Authored By:** Rep. Jon G. Burns of the 157th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 788 - Camden County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Camden County Board of Education.
- **Authored By:** Rep. Jason Spencer of the 180th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 789 - Camden County; board of commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Camden County Board of Commissioners.
- **Authored By:** Rep. Jason Spencer of the 180th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 860 - Lowndes County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Lowndes County Board of Education.
- **Authored By:** Rep. Amy Carter of the 175th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 907 - Jackson County; board of commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Jackson County Board of Commissioners.
- **Authored By:** Rep. Tommy Benton of the 31st
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 909 - Jefferson, City of; public schools; change description of the education districts**

- BILL SUMMARY: A Bill to reapportion the City of Jefferson Board of Education.
- **Authored By:** Rep. Tommy Benton of the 31st
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 912 - Columbia County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Columbia County Board of Education.
- **Authored By:** Rep. Ben Harbin of the 118th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 913 - Columbia County; Board of Commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Columbia County Board of Commissioners.
- **Authored By:** Rep. Ben Harbin of the 118th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 923 - Richmond County; City of Augusta; change description of commissioner districts**

- BILL SUMMARY: A Bill to reapportion the Augusta/Richmond County Board of Commissioners.
- **Authored By:** Rep. Henry "Wayne" Howard of the 121st
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 924 - Richmond County; school board; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Augusta/Richmond County Board of Education.
- **Authored By:** Rep. Henry "Wayne" Howard of the 121st
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 941 - Houston County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Houston County Board of Education.
- **Authored By:** Rep. Larry O'Neal of the 146th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 947 - Warren County; Board of Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Warren County Board of Education.
- **Authored By:** Rep. Sistie Hudson of the 124th
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 962 - Bibb County; board of commissioners; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Bibb County Board of Commissioners.
- **Authored By:** Rep. Nikki T. Randall of the 138th
- **Committee Action:** Do Pass by Committee Substitute

## **Intragovernmental Coordination - Local**

### **HB 963 - Bibb County; Board of Public Education; change description of districts**

- BILL SUMMARY: A Bill to reapportion the Bibb County Board of Education.
- **Authored By:** Rep. Nikki T. Randall of the 138th
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **HB 975 - Habersham County; school district ad valorem tax; provide homestead exemption**

- BILL SUMMARY: A Bill to provide a homestead exemption from Habersham County school district ad valorem taxes for educational purposes in the amount of \$130,000.00 of the assessed value of the homestead for residents of that school district who are 65 years of age or older and which grants a homestead exemption on the full value of the homestead for residents who are totally and permanently disabled and repeals and replaces other local acts.
- **Authored By:** . Terry Rogers of the 10th
- **Committee Action:** Do Pass

## **Intragovernmental Coordination - Local**

### **SB 363 - Board of Commissioners of Thomas County; change description of the commissioner districts; definitions and inclusions**

- BILL SUMMARY: A Bill to reapportion the Thomas County Board of Commissioners.
- **Authored By:** Sen. John Bulloch of the 11th
- **Committee Action:** Do Pass

## **Motor Vehicles**

### **HB 900 - Motor vehicles; cancellation of a certificate of title for scrap metal, dismantled or demolished trailers; provide**

- BILL SUMMARY: HB 900 provides for the cancellation of a certificate of title for scrap metal, dismantled, or demolished trailers in a manner similar to motor vehicles. Further, it will allow the "scrapping" of a trailer without a title after signing an affidavit to the effect that the trailer is 12 years old or older and worth \$1,200 or less.
- **Authored By:** Rep. Tom Rice of the 51st
- **Committee Action:** Do Pass

## **State Institutions & Property**

### **HB 863 - State purchasing; purchases without competitive bidding; change certain provisions**

- BILL SUMMARY: This Bill, entitled "The Small Business Assistance Act of 2012," allows supplies, materials, equipment and service that can reasonably be acquired for less than \$25,000 and are not on a state contract to be purchased without competitive bidding. The Commissioner of the Department of Administrative Services will be in charge of setting rules and regulations for agencies to do this. The Bill also creates a Purchasing Advisory Council comprised of the Director of the Georgia Technology Authority, the Director of the Office of Planning and Budget, the Chancellor of the University System of Georgia, the Commissioner of the Technical College System of Georgia, the Commissioner of Transportation, the Secretary of State, the Commissioner of Human Services, the Commissioner of Community Health, the Commissioner of Public Health, the Commissioner of Behavioral Health and Developmental Disabilities, and one member appointed by the Governor. Rules and regulations regarding the governing of the Council will also be set by the Commissioner of Administrative Services.
- The Bill also defines "Georgia Resident Business" and defines a "small business" as a Georgia resident business that has fewer than 500 employees or less than \$50 million per year in gross receipts.
- **Authored By:** Rep. Matt Hatchett of the 143rd
- **Committee Action:** Do Pass as Amended

*\* Bills passing committees are reported to the Clerk's Office, and are then placed on the General Calendar.*



# **COMMITTEE MEETING SCHEDULE**

**Friday, February 17, 2012**

TBD	<a href="#">Floor Session</a>	HOUSE CHAMBER (9:00am)
8:30 AM - 9:00 AM	<a href="#">RULES</a>	341 CAP
1:00 PM - 3:00 PM	<a href="#">Appropriations Human Resources Subcommittee</a>	406 CLOB
1:00 PM - 3:30 PM	<a href="#">Appropriations General Government Subcommittee</a>	341 CAP

*\* This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. To keep up with the latest schedule please visit [www.house.ga.gov](http://www.house.ga.gov) and click on [Meetings Calendar](#).*